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Security Council

Seventy-second year

Provisional

7981st meeting
Wednesday, 21 June 2017, 3 p.m.
New York

President:	Mr. Llorentty Soliz	(Bolivia (Plurinational State of))
Members:	China	Mr. Zhang Dianbin
	Egypt	Mr. Moustafa
	Ethiopia	Mr. Alemu
	France	Mr. Delattre
	Italy	Mr. Cardi
	Japan	Mr. Bessho
	Kazakhstan	Mr. Tumysh
	Russian Federation	Mr. Iliichev
	Senegal	Mr. Barro
	Sweden	Ms. Schoulgin-Nyoni
	Ukraine	Mr. Vitrenko
	United Kingdom of Great Britain and Northern Ireland	Mr. Hickey
	United States of America	Ms. Sison
	Uruguay	Mrs. Carrión

Agenda

The situation concerning the Democratic Republic of the Congo

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The meeting was called to order at 3.05 p.m.

Adoption of the agenda

The agenda was adopted.

The situation concerning the Democratic Republic of the Congo

The President (*spoke in Spanish*): In accordance with rule 37 of the Council's provisional rules of procedure, I invite the representative of the Democratic Republic of the Congo to participate in this meeting.

The Council will now begin its consideration of the item on its agenda.

I wish to draw the attention of Council members to document S/2017/529, which contains the text of a draft resolution, submitted by France.

I shall now give the floor to those members of the Council who wish to make statements before the voting.

Mr. Delattre (France) (*spoke in French*): On 12 March, Michael Sharp and Zaida Catalán, two members of the Group of Experts on the Democratic Republic of the Congo went missing. Their bodies were found a few days later. It was clear that they had been murdered. The Security Council condemned their deaths in the strongest of terms and called for an in-depth investigation to find the perpetrators of the crime and bring them to justice. Today I reiterate that condemnation in the strongest of terms, as well as that call. To that end, France also advocates the establishment of a special board of inquiry.

Michael Sharp and Zaida Catalán carried out work that was extremely important to the Security Council and were very professional in their duties. The experts on United Nations sanctions committees are extremely important to the Council and are the key to the sanctions regimes. I would like thank them again for their service to the Security Council. Justice must be served; we owe it to them and to their families.

They died while conducting an investigation on the tragic situation in the Kasais. We have received very worrisome reports on attacks on civilians and on many gross human rights violations, including the mutilation and murder of children. In recent months, the Council has condemned the violence in the region and expressed its deep concern about such human rights violations. It has underscored the importance and the urgency of carrying out diligent and transparent investigations on violations of international humanitarian law and human rights law so as to ensure that those responsible are brought to justice. That is required now more than ever.

The tragic events have seriously disrupted the work of the Group of Experts. That is why France proposed the adoption of a draft resolution to allow the Group of Experts to resume their work as soon as possible and in calmer conditions. It is in essence a technical renewal but, given the circumstances, France has proposed the following changes. We hope that all the members of the Council will agree with this approach.

Through the draft resolution contained in document S/2017/529, the Council would reiterate its condemnation of the murders of Michael Sharp and Zaida Catalán and recall the need for a thorough and swift investigation to determine those responsible and bring them to justice. It would call on the Democratic Republic of the Congo to cooperate with the investigations that might be conducted by the United Nations, Sweden or the United States in an effort to shed light on the events.

The draft resolution would also introduce a new criterion for imposing sanctions, which would target any individual who attacks a member of the Group of Experts or who is involved in such an act. The Council would also reiterate its condemnation of the violence in Kasais and its call for transparent investigations to be urgently undertaken to identify the perpetrators of human rights violations in that region.

Finally, given the constraints faced by the experts, this draft resolution would provide the Group of Experts with an additional two months in which to complete its final report. It also envisages that the Council would review the sanctions regime and make any necessary amendments once the report has been completed.

The President (*spoke in Spanish*): The Council is ready to proceed to the vote on the draft resolution before it. I shall put the draft resolution to the vote now.

A vote was taken by show of hands.

In favour:

Bolivia (Plurinational State of), China, Egypt, Ethiopia, France, Italy, Japan, Kazakhstan, Russian Federation, Senegal, Sweden, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America and Uruguay

The President (*spoke in Spanish*): The draft resolution received 15 votes in favour. The draft resolution has been adopted unanimously as resolution 2360 (2017).

I shall now give the floor to those members of the Council who wish to make statements following the voting.

Ms. Sison (United States of America): Resolution 2360 (2017), which we have just adopted, reaffirms the Council's commitment to continue the work started by Michael Sharp and Zaida Catalán, two members of the Group of Experts on the Democratic Republic of the Congo who tragically lost their lives in March while on mission in the Democratic Republic of the Congo. By renewing the Group of Experts' mandate, the resolution sends a clear message that the Council will continue to advance Michael and Zaida's work to advance peace and address human rights violations and abuses in the Democratic Republic of the Congo. The resolution also underscores the Council's commitment to take action against those who seek to harm United Nations personnel, including the Group of Experts.

To the families of Michael and Zaida, the members of the Groups of Experts, the personnel of the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) and Special Representative Sidikou, let me say that our expressions of support and praise are just not enough. We know that they deserve our commitment to finding out the truth and holding those who target United Nations personnel accountable. Today we took a small, but important, step to do that.

Just as important, the resolution is for the Congolese, who have witnessed far too much violence, corruption and far too many human rights abuses. The gruesome reports coming out of the Democratic Republic of the Congo, specifically from the Kasais, should prompt us into action not only in the Security Council, but also in the Human Rights Council. Just yesterday, we read reports that over 3,000 people had been killed in the Kasais region in the past eight months.

The Democratic Republic of the Congo military has not just engaged in violence against civilians, it has actually filmed summary executions. We have heard numerous reports of villages being burned and looted, rape used as a weapon of war, and children being targeted and executed in their homes. Approximately 20,000 people have fled the Kasais since early April, and yet the Democratic Republic of the Congo has rejected offers for international support to investigate the violence. Zaida and Michael lost their lives seeking the truth in the Kasais. We cannot let that search end, particularly as the reports coming out of the region grow increasingly disturbing and the refugee flows continue unabated.

There will be no peace or security in the Democratic Republic of the Congo without elections and a democratic transition of power. All parties, both the opposition and the Government, must remain committed to the 31 December agreement and take action to expedite the implementation of the agreement, including much needed confidence-building measures.

The Council and the United States Government stand ready to hold accountable those that foment violence, undermine peace and increase instability in the Democratic Republic of the Congo.

Ms. Schoulgin Nyoni (Sweden): Sweden welcomes the renewal of the sanctions regime and the extended mandate for the Group of Experts for the Democratic Republic of the Congo and wishes to thank the delegation of France for its work on resolution 2360 (2017). It is imperative that the Group of Experts can continue its important work, including by completing its final report, and that the Council subsequently follow up on its recommendations.

It is a grave concern that the humanitarian and security situation continues to deteriorate in the Democratic Republic of the Congo, with harsh implications for its population. Horrific violations of international humanitarian law and human rights law, including sexual violence and other rampant abuses, as well as increased recruitment and the use of child soldiers, reinforces the vicious cycle of violence. It is important that the international community continues to monitor and address the situation. The sanctions regime plays an important part in that endeavour.

As members of the Group of Experts, Zaida Catalán and Michael Sharp were vital to this effort. We again strongly condemn their murder. It is intolerable that those tasked by the Council with investigating grave abuses and violations of human rights law and international humanitarian law, for the sake of peace in the Democratic Republic of the Congo, are brutally killed. The safety of United Nations personnel must be ensured. In the light of the killings, Sweden put forward and actively supported the inclusion of attacks

against members of the Group of Experts as an explicit designation criterion.

In the case of the murders of Catalán and Sharp, our continued priority is to determine the facts and ensure that the perpetrators are brought to justice. The Democratic Republic of the Congo must swiftly and fully investigate the killing of the two members of the Group of Experts and bring all perpetrators to justice. Full cooperation by the Democratic Republic of the Congo with United Nations inquiries, as well as our own and the United States criminal investigations is essential, as highlighted by today's resolution.

No stone should be left unturned in our efforts to deliver justice for those who lost their lives in the service of the United Nations. Sweden, in cooperation with the Secretary-General and partners concerned, will continue to look into concrete proposals on how the United Nations system, including the Council, can further support the ongoing national investigations, in order to establish the truth and bring the perpetrators to justice. One such option would be a special investigation mandated by the Secretary-General.

We must also draw lessons from possible failures in the system so that what happened to the experts cannot happen again. Sweden supported the prompt establishment by the United Nations of a so-called Board of Inquiry. We look forward to the report to be presented by the Board of Inquiry next month. The Council should follow up on its recommendations, including when the resolution is discussed again in the fall.

Mr. Hickey (United Kingdom): The United Kingdom welcomes the adoption of resolution 2360 (2017), which extends the sanctions regime in the Democratic Republic of the Congo. That regime is a hugely important tool for the Council, one that we must use to hold to account those who commit human rights abuses and violations in the Democratic Republic of the Congo. Sadly, that now includes those who commit such abuses against United Nations personnel, following the horrific murders of Michael Sharp and Zaida Catalán. We reiterate our condolences to the families of Michael and Zaida and to the Governments of the United States, Sweden and Chile. It is imperative that there be a full and independent investigation into their deaths.

More broadly, the United Kingdom is extremely concerned about the situation in the Kasais. High Commissioner Prince Zeid Al-Hussein's statement yesterday put into stark relief the horror of the situation, which has led over 1.3 million people to flee. That scale of violence and level of brutality — destruction of villages, mutilation and murder, including of children and pregnant women — cannot be allowed to continue. We call on the Democratic Republic of the Congo to protect its people, to act in accordance with human rights principles and to bring perpetrators of human rights violations and abuses to justice.

The United Kingdom also expresses its full support for Prince Zeid Al-Hussein's call for an independent international investigation into the situation in the Kasais region of the Democratic Republic of the Congo. We fully support the current efforts in Geneva to mandate such an independent investigation through the Human Rights Council. We call on the Government of the Democratic Republic of the Congo to cooperate fully with any international investigation and to ensure that any domestic investigation is conducted credibly and transparently and that the perpetrators are brought to justice.

It is clear that the impact of the situation is being felt beyond the Kasais and, indeed, beyond the Democratic Republic of the Congo. More than 30,000 refugees have been registered in Angola. It is essential that we in the Security Council keep a very close eye on the situation and are prepared to act.

Mr. Moustafa (Egypt) (*spoke in Arabic*): Egypt welcomes today's unanimous adoption of resolution 2360 (2017), based on our conviction that the sanctions regime contributes to consolidating peace and security in the Democratic Republic of the Congo and to support the efforts to reduce the threats posed by armed groups and other entities that are threatening civilians, perpetrating grave crimes, prolonging violence and causing instability.

In that regard, I would like to mention a specific situation surrounding the adoption of that resolution, in the light of the killing of the two members of the Group of Experts on the Democratic Republic of the Congo, Zaida Catalán and Michael Sharp. We condemn that act in the strongest terms, as does the resolution. The Council stands with the families of the victims and the countries concerned. The Government in the Democratic Republic of the Congo must carry out a swift and complete investigation to uncover the truth and hold those perpetrators accountable. We call on them to cooperate with the United Nations

and the two countries concerned — the United States and Sweden — in a way that is in line with relevant legislation in the Democratic Republic of the Congo.

In the light of the consultations that took place within the Security Council Committee established pursuant to resolution 1533 (2004), concerning the Democratic Republic of the Congo, which reflected our consensus in supporting the Group of Experts through the extreme circumstances they are facing, the resolution provides an additional two months to the Group of Experts so that it can carry out its work pursuant to the relevant resolution, resolution 2293 (2016), and submit its final report to the Security Council.

Based on that, the current resolution provides some addition elements that cover a number of matters and the most urgent developments, with some technical updates to the remaining paragraphs of the resolution so that the final report that the Group of Experts will submit will be the basis for new substantive consultations between the members of the Council to fully review the sanctions measures. On that basis, we can adopt a new resolution before the end of October 2017.

Egypt reaffirms the importance of the sanctions regime — an important tool for enhancing security in the Democratic Republic of the Congo, which in turn is considered to be the cornerstone for peace and security in the Great Lakes region. Based on our chairmanship of the Security Council Committee established pursuant to resolution 1533 (2004), we seek to enhance the role of the Committee, especially in the light of the security challenges in the Democratic Republic of the Congo and given their grave humanitarian repercussions.

Mr. Cardi (Italy) (*spoke in French*): At the outset I should like, on behalf of my Government, to once again convey our condolences to the families of the two members of the Group of Experts on the Democratic Republic of the Congo killed in the Democratic Republic of the Congo — Michael Sharp and Zaida Catalán. We also extend our sympathy and solidarity to Chile, Sweden and the United States.

We commend the unanimous adoption of resolution 2360 (2017). It sends a strong message about the unity of the Security Council on this important topic. I should like to thank the French delegation for its efforts in drafting the text, which conveys the Council's energetic and explicit condemnation over the murder of the two Experts.

At the same time, the resolution enables us to condemn the violence in Kasais. Italy is extremely concerned about the deteriorating humanitarian situation in those provinces, about human rights violations and the shrinking of the democratic space in the country. We are therefore convinced of the need to continue to implement the New Year agreement of 31 December 2016, which is critical to supporting the legitimacy of the transitional institutions.

Given the country's situation, which remains very difficult, Italy endeavours to work alongside the members of the Council and assisting the Democratic Republic of the Congo to achieve stabilization.

The President (*spoke in Spanish*): I now give the floor to the representative of the Democratic Republic of the Congo.

Mr. Gata Mavita wa Lufuta (Democratic Republic of the Congo) (*spoke in French*): At the outset, I should like to congratulate you, Mr. President, on your accession to the presidency of the Security Council for thie month of June and to express my delegation's satisfaction at the great skill and professionalism with which you have steered the work of the Council this month. I would also like to thank you for having given me this opportunity to take the floor before the Council during this meeting, dedicated to the adoption of resolution 2360 (2017), which renews the sanctions regime for the Democratic Republic of the Congo.

I should also like to express once again to the Council the gratitude of the Congolese Government and people for the efforts of the United Nations with a view to safeguarding the sovereignty and territorial integrity of my country, and to provide for and guarantee its peace and stability.

My delegation takes note of the Council's adoption of the resolution that renews the mandate of the Group of Experts on the Democratic Republic of the Congo until 1 August 2018.cMy delegation takes this opportunity to thank the Group of Experts, which continues to dedicate itself to the cause of the country, and extends its encouragement and sympathy in honouring the memory of two of their colleagues who tragically lost their lives in our country. As the High Commissioner for Human Rights said yesterday at the thirty-fifth session of the Human Rights Council in Geneva, the Government of my country is determined to ensuring that light be shed on these heinous murders and to ensuring that the perpetrators be held to account.

With respect to resolution 2360 (2017) just adopted, I would like to revisit some aspects that, in my delegation's opinion, deserve some comment.

Generally speaking, my delegation believes that, insofar as the Group of Experts is due to present its report in two months, the resolution could have been limited to extending the Group's mandate to two months in order to allow it to finalize its report. In our view, the report could have served in principle as a basis for the drafting of the resolution. In so doing we could have avoided the adoption of a plethora of resolutions that, at first blush, are unwarranted in the present case. Council members will agree that adopting a resolution in March, a second one in June and a third in August or September is not an approach that would facilitate their implementation.

Furthermore, we believe that political issues, such those related to the 31 December 2016 political agreement and to the elections, which are already duly reflected in the resolution adopted in March (resolution 2348 (2017)), need not have been referred to in a resolution of the Sanctions Committee. My delegation has already lamented this situation, which was the subject of its note verbale of 20 June 2016, which was conveyed to various member States of the Council at the time. However, important security issues that require an urgent response, such as the South Sudanese combatants, have been cast aside.

Turning to the sanctions regime, my delegation believes that resolution 2360 (2017) spells out no measure that could stabilize the situation with regard to the plundering of natural resources being exported from the Democratic Republic of the Congo through bordering countries. The same holds true for weapons and munitions trafficking. Council members will agree with us that armed groups do not sell the products of their looting to so-called little people, that is, people without resources. We believe that, in order to put an end to this situation, sanctions must be imposed against multinational companies. They are well known and supply these criminals with weapons. Sanctions should also target transit and host countries of transit for these blood minerals.

In view of the fact that resolution 2360 (2017) refers to the situation in the Kasais region, my delegation deems it wise to inform the Council that the Government has undertaken joint investigations to shed light on the events that took place in the there. Contrary to what I have heard here, the Government of my country has never refused to cooperate with investigations relating to events in the Kasais. It is working jointly with the United Nations through the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) and the United Nations Joint Human Rights Office. In that regard, one should note the adoption last month of a road map and the establishment of a task force in which MONUSCO and the United Nations Joint Human Rights Office are members. The Government also hopes to receive technical and logistical assistance from the two United Nations agencies for the joint investigations. Furthermore, it expects from them frank collaboration devoid of any political interference.

With specific reference to mass graves, reports of their existence were made here at Headquarters, mainly by MONUSCO. We deplore the contrast between the speed with which MONUSCO spreads rumours and the slow pace of informing the international community when those rumours turn out to be groundless. My delegation would flag as proof the recent cases of reported mass graves that were dismissed by our Human Rights Minister in Geneva. It is confounding to note that MONUSCO up until now has failed to announce the results of the joint MONUSCO and military justice representatives' visits on the ground.

Indeed, in a number of these alleged mass graves, what these joint missions found was something other than what was expected, namely, a 12-calibre hunting weapon in one, a motorcycle in another, two decapitated bodies in a third and a body in a fourth. And today it is the Congolese military judiciary that has begun to insist that MONUSCO show the other mass graves for them to pursue their joint work.

With respect to the judicial proceedings on the death of the two experts, as we mentioned before, an investigation was initiated by the Congolese military judiciary, with MONUSCO and the United Nations Joint Human Rights Office both lending support. The United States Federal Bureau of Investigation has also become involved at the request of the Government of the United States of America. The Government of my country is open and willing to follow suit if the Swedish Government issues a request to that end.

Since 5 June 2017, the trial of these murders has been under way in Kananga, in Central Kasai. MONUSCO and the United Nations Joint Human

Rights Office have been attending every day, as have all other non-governmental organizations that wish to do so. To date, nine suspects, four of whom are in the grim video showing the savage murder of the two experts, have been arrested and are currently being tried. The military judiciary in my country is counting on the assistance of MONUSCO, which states that it has information about areas where fugitives are hiding in order to help it arrest and try these criminals.

I would be remiss if I were to conclude without once again reassuring the Council of my country's determination to carry out these investigations to the very end, in a transparent way, so as to punish, as we mentioned, the guilty parties.

The meeting rose at 3.35 p.m.